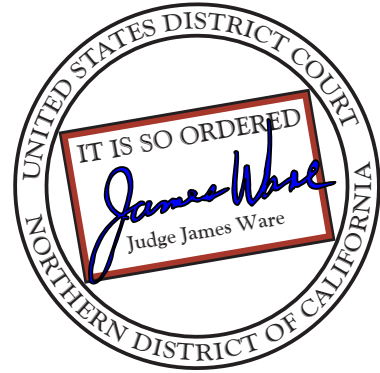


BARRY J. PORTMAN
Federal Public Defender
JAY RORTY
Assistant Federal Public Defender
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Telephone: (408) 291-7753
Counsel for Defendant DIAZ-ALCANTAR



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00353 JW
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED
v.)	ORDER TO CONTINUE SENTENCING
)	
JOSE MARCO DIAZ-ALCANTAR,)	
)	
Defendant.)	
_____)	

Assistant United States Attorney Susan Knight and defendant, Jose Marco Diaz-Alcantar, through his counsel, Assistant Federal Public Defender Jay Rorty, stipulate and agree that the sentencing date in the above-captioned matter, presently scheduled for December 5, 2005 at 1:30 p.m., should be continued to December 19, 2005, at 1:30 p.m. The reason for this continuance is so that U.S. Probation Officer Chris Carrubba can be allowed to finish her report.

The parties further stipulate and agree that under 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv), the ends of justice served by the continuance requested outweigh the best interest of the defendant and public in a speedy trial because the failure to grant such a continuance would unreasonably deny Mr. Diaz-Alcantar continuity of counsel and the time necessary for effective preparation.

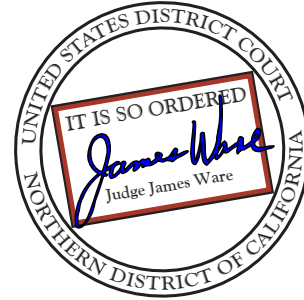
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Dated: December 2, 2005

_____/S/_____
JAY RORTY
Assistant Federal Public Defender

Dated: December 2, 2005

_____/S/_____
SUSAN KNIGHT
Assistant United States Attorney



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MARCO DIAZ-ALCANTAR,

Defendant.

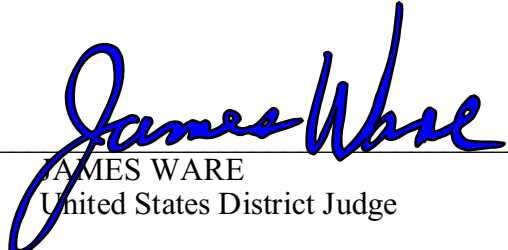
No. CR 02-20076 JW

**~~PROPOSED~~ ORDER CONTINUING
SENTENCING DATE AND
EXCLUDING TIME**

The parties have jointly requested to continue the sentencing date set for December 5, 2005 at 1:30 p.m., to be continued to December 19, 2005, at 1:30 p.m. so that U.S. Probation Officer Chris Carrubba can be allowed to finish her report.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the sentencing date presently set for December 5, 2005 at 1:30 p.m., be continued to December 19, 2005, at 1:30 p.m. Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from December 5, 2005 through and including December 19, 2005, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv).

Dated: December 5, 2005


JAMES WARE
United States District Judge